

**MEDIA RELEASE**

**For Immediate Release**

Date: August 17, 2012; 9:00 a.m.

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**Eye on Sacramento Board Members File Suit to Compel City Clerk  
to Accept Their Ballot Argument Opposing City Sales Tax Hike Measure**

In the aftermath of Mayor Kevin Johnson's stunning failure to timely file a promised ballot argument against a measure increasing city sales taxes, three board members of Eye on Sacramento (EOS) filed a lawsuit late yesterday afternoon in Sacramento Superior Court seeking a court order compelling City Clerk Shirley Concolino to accept their own ballot argument opposing the tax hike measure (Measure U on the November ballot).

The petition seeking a writ of mandate was filed by EOS president Craig Powell, EOS Executive Vice-President/Policy Director Greg Hatfield and EOS Assistant Policy Director Erik Smitt, all EOS board members.

"On July 31st, the Sacramento City Council took the extraordinary action of assigning the job of writing both the supporting and opposing ballot arguments on the Council's measure to increase city sales taxes to members of the Council. It assigned to Mayor Johnson the job of writing the argument against the sales tax hike," said EOS President Craig Powell.

"Under state law, whenever a city council assigns the job of writing a ballot argument to a member of the council, election officials must include that council member's argument in sample ballots and must reject all other arguments submitted by the public sharing the same position," Powell explained.

"So when the Mayor very publicly accepted the assignment from the Council to author the argument against the sales tax hike, several members of the public, who had been preparing arguments against the sales tax hike, halted their efforts, knowing that their arguments were certain to be rejected in favor of the Mayor's argument. No one dreamed that the Mayor might fail to discharge his official duty to submit an argument against Measure U," said Powell.

"The City Council's assignment and the Mayor failure to perform it has very effectively blocked others from submitting ballot arguments against Measure U before the city clerk's

deadline. We and others pleaded with the city clerk to grant a very short extension of her deadline to allow sand-bagged members of the public the chance to file arguments against Measure U. She refused.

"If this city official's decision blocking access to the ballot is allowed to stand, Sacramento voters will be unjustly cheated out of their basic democratic right to weigh both the "pro" and "con" arguments on the city's own proposal to raise sales taxes. While such a result might serve the purposes of the always revenue-hungry Sacramento City Council, it is highly offensive to fundamental principles of equity, as well as the First Amendment and the Due Process Clause of the U.S. Constitution. It also seriously undermines the credibility and even the legitimacy of city government," Powell concluded.

The petition for writ of mandate and related declarations are attached. A court hearing on the matter is expected early next week.

Eye on Sacramento is a local government watchdog organization that monitors the actions of local government. It also conducts policy research and promotes policy smart solutions for seemingly intractable municipal problems.

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